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**From:** McGill, Thomas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=658C6D5FD504462594AECDB5ECA57661-MCGILL, THOMAS]  
**Sent:** 9/5/2020 8:41:32 PM  
**To:** Clark, Maria [Clark.Maria@epa.gov]  
**Subject:** Fwd: follow-up to our discussion yesterday on NHPA consultation d  
**Attachments:** Appendix j-1\_DEP\_SHPO\_OA.pdf; ATT00001.htm; 62-331.010(5)\_404\_Handbook.docx; ATT00002.htm; 62-331\_as\_adopted.doc; ATT00003.htm; MOA EPA Signed.pdf; ATT00004.htm

FYI...

Sent from my iPhone

Begin forwarded message:

**From:** "McGill, Thomas" <McGill.Thomas@epa.gov>  
**Date:** September 4, 2020 at 3:57:00 PM EDT  
**To:** Jaime Loichinger <jloichinger@achp.gov>  
**Cc:** "Calli, Rosemary" <Calli.Rosemary@epa.gov>, "Hicks, Matt" <Hicks.Matthew@epa.gov>, "Creswell, Michael" <Creswell.Michael@epa.gov>, "Laycock, Kelly" <Laycock.Kelly@epa.gov>  
**Subject:** follow-up to our discussion yesterday on NHPA consultation d

Good afternoon Jaime!

As a follow-up to our discussion yesterday I'm attaching to this email four files that are part of the package that comprises FDEP's request for Clean Water Act Section 404 assumption and that I think are particularly relevant to NHPA consultation.

- "Appendix j-1\_DEP\_SHPO\_OA.pdf" provides an Operating Agreement between FDEP and the SHPO.
- "62-331.010(5)\_404\_Handbook.docx" provides the State 404 Program Applicant's Handbook which, among other things, sets forth the SHPO's role in the review of proposed projects at Section 5.2.2.
- "62-331\_as\_adopted.doc" which provides Florida regulations that include provisions regarding historical resources.
- "MOA EPA Signed.pdf" provides the EPA-FDEP Memorandum of Agreement which, among other things: (1) sets forth the State and Federal responsibilities for program administration and enforcement; (2) makes clear in Section I(B)(2) that Florida will not administer or enforce authority over Indian country; and (3) provides, in Section II(B)(1)(f), for EPA review of all permit applications for "[d]ischarges within...national and state parks;...national and historical monuments;... [and] sites identified or proposed under the National Historic Preservation Act...."

You also asked about the specific parties that we invited to participate in NHPA. In addition to the letter we issued to your office on 9/2/2020, we also issued letters to the following entities on 9/2/2020. If you would like me to forward copies of any/all of these letters please let me know.

- Seminole Tribe of Indians of Florida
- Miccosukee Tribe of Indians of Florida
- Poarch Band of Creek Indians
- Muscogee (Creek) Nation
- Alabama-Coushatta Tribe of Texas
- Coushatta Tribe of Louisiana
- Mississippi Band of Choctaw Indians

- Choctaw Nation of Oklahoma
- Florida State Historic Preservation Officer
- Florida Department of Environmental Protection

In addition, we also will soon issue a letter to interested parties to: (1) provide notice of the EPA's receipt of the request from the State of Florida; (2) solicit public review and comment on the State program during a 45-day period; (3) announce two public hearings that will be held during the comment period; and (4) solicit public review and comment regarding consultation under the National Historic Preservation Act. Per your suggestion we reached out to Jason Aldridge of the Florida SHPO office to see if there were any people/organizations he specifically recommended we contact. He recommended that we contact the following statewide organizations who may be interested in commenting. EPA plans to include these organizations in our interested party email distribution when we issue this letter:

- Melissa Wyllie  
CEO & President  
Florida Trust for Historic Preservation  
[mwyllie@floridatrust.org](mailto:mwyllie@floridatrust.org)
- Emily Jane Murray  
President  
Florida Anthropological Society  
[president@fasweb.org](mailto:president@fasweb.org)
- Ramie Gougeon  
President  
Florida Archaeological Council  
[rgougeon@uwf.edu](mailto:rgougeon@uwf.edu)

We plan to follow-up with you within the next several days to proceed with the NHPA consultation process and very much look forward to working with you. If you have any questions in the meantime please let us know. Have a great weekend!

Tom

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